

BOARD OF SELECTMEN – MEETING OF JANUARY 24, 2012  
HARMONY HALL

PRESENT – George A. Malliaros, Chairman, Robert O. Cox, Vice-Chairman, Joseph DiRocco, Clerk, John J. Zimini, Cathy Richardson-Brown, Dennis E. Piendak, Town Manager, Glen Edwards, Assistant Manager/Town Planner, James A. Hall, Town Counsel and Barbara Souza, Recording Secretary.

TIME – The Chairman called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited followed by a moment of silence being observed for all those currently serving in the military, particularly in Iraq and Afghanistan and also for the mother of Ann Vandal (Finance Director).

WARRANT APPROVAL – On a motion by Mr. Cox and seconded by Mr. DiRocco, **it was unanimously voted to sign the warrant.**

WARRANT/PRESIDENTIAL PRIMARY ELECTION – On a motion by Mr. DiRocco and seconded by Mr. Cox, **it was unanimously voted to sign the warrant for the primary election for president.**

Community Input – No one signed up to speak under community input.

Town Manager's Report – Recertification of Values – Mr. Piendak reported that we are nearing the end of our 9-year cycle that requires the Assessors to conduct an inspection measuring the exterior of all buildings and inspection of the interior; that all has to be done and completed by 2015 to comply with the Department of Revenue regulations. The firm of Vision Government Solutions has been retained to carry out this process and will be carried out in two phases. Phase 1 will be done in 2012 and Phase 2 in 2013; any properties that have not been inspected in 2012 and 2013 will be visited in 2014. He continued to say that all inspectors will have photo ID with names, be registered with the police department and they will not enter any homes if there is no adult present. Phase 1 will begin in mid February 2012 and continue for several months in the Collinsville and Navy Yard sections of town, generally precincts 1, 2, 5, 6 & 9. Phase 2 will be conducted approximately the same time period in 2013 in Dracut Center, Kenwood and East Dracut; that would be precincts 3, 4, 7 & 8. Further information will be forthcoming. Town Census forms will be in the mail next week; because of the release of the new Federal census data, there have been some adjustments to precincts and about 25% of the voting population has been affected, but while the precinct may have changed, no one will be voting at a different location then where they have been;

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they might be voting at a different precinct but they will still be at the same location. NeedyMeds – Mr. Piendak explained about a program called NeedyMeds which began in Gloucester; it's a non profit group that offers potential for residents to save on their prescription drugs and other medications and medical bills. Lowell and Chelmsford have recently joined the program and said we (Dracut) are joining and have executed the contract. Mr. Piendak said Elizabeth Messenger who is the Outreach & Education Manager is here tonight and he would like to use this portion of his report to have her come to the podium and explain the program a little bit. He added that it does have the potential to save residents some money.

Ms. Messenger addressed the board and explained that they are a National non-profit organization based in Gloucester and have been around since 1996. She said they do two main things, they run a website with different resources to afford the cost of health care and they also run the drug discount card which is the program that Mr. Piendak was speaking about. They have been running their own drug discount card for about 2 ½ years and have saved people nationally over 12-million dollars and said they also partner with other organizations and communities on the card. Their first partnership was with Gloucester and they saved Gloucester residents over \$300,000 in the two years they've been partnered with them. Ms. Messenger proceeded to give an overview on how the card works noting that there are no fees or registration, it cannot be used with insurance and up to 80% can be saved on prescriptions and said the card can be used nationally and not just in Massachusetts but in all fifty states.

Ms. Richardson feels this is a great program and asked if they have had a chance to visit the Council on Aging.

Ms. Messenger said they haven't in Dracut because they just got the contract but indicated that they do work with those types of organizations. Mr. Piendak added that once the cards are prepared for Dracut they will publicize where they are available to be picked up. Ms. Richardson suggested a possible one on one at the COA to which Ms. Messenger indicated she would be happy to do that.

Mr. Cox asked if this was a federally or State funded program to which Ms. Messenger replied that they are a non-profit organization; they get grants, personal donations and other things; they do make a small amount of money per transaction from the card but said they actually make the least amount of money of anyone out there because they are really not out there to make money with the card; they just want to be

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able to cover the cost of making more cards for people. Ms. Messenger added that Dracut will also make a small amount of money per transaction from each card.

Mr. Piendak stated that they just executed the contract today with Ms. Messenger and as the cards are prepared it will be announced where they will be located in town.

ATTORNEY JOHN F. PACZKOWSKI & DONALD MCNIFF RE: AVENUE PUB, LLC, 1629 LAKEVIEW AVENUE – Attorney Paczkowski addressed the board and said as the board is aware, his client applied for renewal of his liquor license for the Avenue Pub on Lakeview Avenue; he said the board denied the application he believes because of the outstanding tax issue with the State. Attorney said he would like to report to the board that the tax issue has been resolved and his client is anxious to get back in business to start generating some income and said it is his understanding that the renewal cannot be voted on tonight so he would respectfully request that this be continued to the board's next meeting to vote on the renewal of the license.

Mr. Malliaros noted that there was a sign on the door of the business that it had been seized. Attorney Paczkowski said that that has been resolved; it was for the issue of the meals tax and stated that the meals taxes have been paid in full.

Mr. DiRocco asked if Mr. McNiff will be the one to operate it because at one point there was an application for transfer.

Attorney Paczkowski said that the transfer obviously "went south" because of all the issues and said that Mr. McNiff will be operating the business; the manager of record however is not Mr. McNiff but believes they need the license in place before they petition for a change in manager and said Avenue Pub LLC will still be the owner.

Mr. Malliaros suggested putting this off until the next meeting. Town Counsel James Hall agreed noting that it was not properly listed in the agenda; it was as a result of Attorney Paczkowski's letter saying that he wanted to give the board a status which he has just done, but there is no mention that he wanted to ask the board to renew the license so he feels that would have to be properly posted for the next meeting (February 14, 2012) and then that issue can be addressed at that time. There was no further discussion.

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AGENDA ITEMS – Norman Carver, Dracut – Request for re-appointment as Bonded Constable – On a motion by Mr. DiRocco and seconded by Mr. Cox, **it was unanimously voted to approve the request.**

Alcoholic Beverages Control Commission - Re: Population Estimates for Seasonal Licenses in 2012 – On a motion by Cox and seconded by Mr. DiRocco, **it was unanimously voted that the estimated temporary increase in resident population as of July 10, 2012 will be zero.**

Approval of Minutes – Meeting of January 10, 2012 – On a motion by Ms. Richardson and seconded by Mr. Cox, **it was unanimously voted of those voting to approve.**

Town Manager Appointment of Fire Chief – For Approval – Mr. Piendak said he is pleased to announce that he has selected for appointment Captain David R. Brouillette as the next Chief of the Dracut Fire Department effective March 1<sup>st</sup> upon the retirement of Chief Gaudette. The Municipal Charter provides that his appointment of the Fire Chief is subject to the approval of the board. Mr. Piendak continued to say that Captain Brouillette finished first on the Civil Service examination process; he has been a Captain in the fire department for the last thirteen years and has twenty six years of service in total with the department having first been appointed in 1985. Captain Brouillette holds a Bachelor's Degree from Fitchburg State College and has completed a number of courses from the Massachusetts Firefighter Academy in Stowe. In addition to his tenure and experience with the Dracut Fire Department, Captain Brouillette holds a rank of Major in the United States Army Reserves where he's further exhibited his training, supervisory and leadership skills. He served two consecutive tours in Iraq and one in Afghanistan as well; he is a resident of Dracut and along with his wife Lisa shares parenting responsibility for four children. Mr. Piendak said he is please to announce his appointment and recommend to the board the approval of Captain David R. Brouillette as Chief of the Dracut Fire Department.

Mr. Zimini moved to approve the appointment; Mr. Cox seconded the motion.

Under discussion, Mr. DiRocco commented that he was fortunate to have worked with Dave for seventeen years and feels he is a fine choice and will make a great Chief and will be supporting the motion.

Ms. Richardson said that Dave certainly is a great choice and will be a great Chief; she is very happy for him and Lisa that he got this

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appointment. Ms. Richardson also acknowledged the other two finalist, Greg Gagnon and Rich Patterson and feels they should also be congratulated for their efforts.

Mr. Malliaros asked if Captain Brouillette was still serving in the Military to which Piendak replied that he is planning to retire.

**The motion to approve the appointment of Captain David Brouillette passed unanimously.**

At this point, Captain Brouillette approached the board and was congratulated by each member. Mr. Piendak said that closer to March 1<sup>st</sup> a more formal ceremony for a change in command will take place.

Mr. DiRocco noted that the outgoing Chief (Leo Gaudette) was also present this evening and congratulated him as well for a job well done.

Mr. Piendak indicated that there will also be an appropriate time for the opportunity to thank Chief Gaudette for his exemplary service over the years noting that something is being planned.

Subcommittee Reports – Mental Health & Substance Abuse Task Force- Ms. Richardson said she got a lot of positive responses and that their initial meeting is scheduled for February 9<sup>th</sup> here at Harmony Hall from 10:00 a.m. to 11:30 a.m. She said the entire group will probably not be able to attend but they will at least start a planning forum at that point.

Old Business – Town Charter – Mr. Malliaros informed the board that he had a conversation with Mr. Kobayashi and he (Kobayashi) thought it would be best if he and his associate could meet first with Mr. Edwards, Mr. Piendak and the Chairman prior to coming before the full board; that meeting will be held on February 17<sup>th</sup> at 10:00 a.m.

Sign/Zoning Bylaws - Ms. Richardson noted some of the areas of the bylaws she feels could bear some discussion; one in particular was the display window sign should cover no more than 20% of the display window area for businesses and said she is not sure how consistent that is across town. Ms. Richardson continued to highlight some other sections of the bylaw that stood out to her that should probably be looked at.

Mr. DiRocco said he feels the whole bylaw needs to be looked at; there are a lot of things that have been there for so many years that probably need to be changed. He feels we want to get away from the Las Vegas

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look with flashing signs plus all the portable signs and needs to be fine tuned so the Building Inspector can enforce them. Discussion continued.

Ms. Richardson brought up the subject of political signs noting that there was an issue about one that caused some controversy several years ago during election; it does say that political signs have to be no more than 6X6 and at that time there was a question about one that was fairly large.

Mr. Malliaros noted that all political sign bylaws are unconstitutional generally speaking.

Attorney Hall said you would have to go a long way to find one that wasn't because of the first amendment, 'Freedom of Speech'.

Ms. Richardson said she feels that that whole section of political signs should perhaps be looked at to see whether we should keep them or remove them.

Mr. DiRocco said he feels that this could probably be handled better at a "workshop" and that way everyone would have a copy of the bylaws in front of them to review from beginning to end and see what seems to be a problem.

Ms. Richardson asked if that would be something done before to our regular meeting. Mr. DiRocco said it could be done that way and just spend some time on that particular issue and go over everything.

Mr. Cox said he just wants to caution the board noting that it is just so hard for small businesses to operate in the town right now; to put more restrictions on them now is just something that we as a board should consider. He understands that flashing lights are a distraction for drivers but thinks we should have a little compassion for these small businesses that are suffering in this economy and not restrict them further. Mr. Malliaros said that's a good point but the thing that concerns him is sometime business owners put the signs in an inappropriate spot and when traffic is trying to pull out, for instance onto Bridge Street, the sign blocks their vision and that's what concerns him; those signs occasionally pop up.

Following some additional discussion, Mr. DiRocco suggested inviting the Building Inspector to attend the work shop because he also has certain problems with enforcement and that would be a way to get it resolved once and for all.

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Mr. Zimini asked if this workshop was going to be limited to just the signs or the entire zoning bylaws.

Mr. Malliaros said he thinks just the signs; the zoning bylaws seem to work and said that's a real chore.

Mr. Zimini said he thinks Mr. DiRocco mentioned a few meetings ago, and he agrees that they should be reviewed. Mr. DiRocco said he believes that to be true. Ms. Richardson said she had thought we talked about doing the signs first but her impression was that we were going to do each section; she would think that each section would deserve a separate meeting because there are so many sections that we could basically do a work shop on each section. Mr. Malliaros said that he would just submit that as a lawyer, zoning bylaws are pretty complex, even for lawyers.

Mr. Piendak commented that the current bylaws had its genesis with a separate committee setup by the board that not only worked a good two years on it, but also had an outside consultant assisting them (NMCOG).

Mr. Zimini feels it needs to be done; they were developed in 1986 so this is something that we should really consider. Mr. DiRocco said there are some things that are not spelled out; years ago it wasn't a question but now it is and the building inspector has trouble enforcing some of these so he agrees that all of them need to be looked at and also feels we need input from the building inspector because he is the enforcing authority and has some serious issues.

Mr. Zimini said that maybe we should ask the Manager to put something together with NMCOG and have them come in to tell us what to do and help us with this to move forward and get the ball rolling.

Ms. Richardson said she could certainly address it to Beverly and Jay (NMCOG).

Attorney Hall said that would be a good idea and said NMCOG would have a wealth of knowledge from all of the communities that have gone through this and they could bring the already researched to the table.

Following some additional discussion, it was agreed to schedule a "work shop" for February 14<sup>th</sup> at 6:00 p.m., prior to the regular meeting, to begin discussion on the sign bylaws.

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Mr. Piendak asked if the board could make it subject to the call of the chairman in the event that he (building inspector) should not be available for the next meeting and make it the meeting after that. The board was in agreement.

Sesame Street – Mr. Edwards gave the board an update noting that representatives of the Attorney General's office asked to meet with town counsel along with staff to review several properties that they are considering for their receivership program for abandoned buildings in Dracut; 91 Sesame Street is one of those. The meeting and a site visit was conducted on January 11<sup>th</sup>. A request will be made by Tom Bomil, Public Health Director, to the owner of the property to do an interior inspection so they can see if there are any code violations inside the building. Several forms of correspondence were sent to the owner and as of today, there has been no response. The question now is whether the town or the attorney general's office will seek a court authorization to order an inspection of the interior. He said hopefully we will have more information by the next meeting.

Attorney Hall added that there is a mechanism and believes the Attorney General will file it immediately and make a complaint that there are health violations but unable to determine positively and ask the judge to authorize them to go in; they will make an inspection of the property and report to the court and if there are violations then the court can consider them and either start to fix up the property or leave it the way it is.

Mr. DiRocco asked Mr. Edwards if they inspected all of the ones on the list or just that one.

Mr. Edwards replied said they narrowed it down to about five or six that seemed to be the most egregious.

Attorney Hall believes they found five including the possibility of Sesame Street and they were looking at six; one they excluded because he believes it was being sold. They did take a full trip around town and looked at all of them and said that there were some buildings that are in serious need of this program noting that there are some long standing abandoned buildings that really have to be addressed. He said they (A.G.'s office) are willing to address it and are very aggressive. Discussion briefly continued.

Special Permits – Ms. Richardson inquired about some special permits (two or three) that were approved by the board stipulating 6-month



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reviews. Following some brief comments, Ms. Richardson said the board should perhaps get a quick status report on those for the next meeting.

Meadow Creek – Mr. Zimini said he had meant to ask the manager during the town manager's report portion about the letter in their packet about Meadow Creek because he said there is a lot of concern from some individuals about the restaurant closing and some misinformation about the possibility that the golf course is closing and would like for the Town Manager to address it.

Mr. Piendak said that similar information came to his office and that is why he asked Mr. Brem to address this letter which indicates that he has temporarily closed the clubhouse for the winter season and plans to reopen on or about April 1<sup>st</sup>. He is continuing to do a few functions that have been booked in the function room. He has also been contacted by Realty Financial Partners and they will be meeting with him and Mr. Edwards tomorrow and is sure they will get some further information update on that. Mr. Piendak said that any further information obtained will be provided to the board.

Mr. Malliaros suggested that depending on what happens at that meeting, he feels it might be a good idea to get the parties in here to get more information because residents, understandably so, are getting concerned.

The Chairman read the Community Calendar.

ADJOURNMENT – Motion by Mr. Zimini and seconded by Mr. DiRocco, **it was unanimously voted to adjourn the meeting at 7:45 p.m.**

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George A. Malliaros, Chairman

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Robert O. Cox, Vice-Chairman

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Joseph DiRocco, Jr., Clerk

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John J. Zimini

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Cathy Richardson-Brown

